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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/767,324	01/22/2001	Alain S. Rossmann	3399P038	9361
26529	7590	11/14/2005		
BLAKELY SOKOLOFF TAYLOR & ZAFMAN/PDC 12400 WILSHIRE BOULEVARD SEVENTH FLOOR LOS ANGELES, CA 90025				
			EXAMINER SAIN, GAUTAM	
			ART UNIT 2176	PAPER NUMBER

DATE MAILED: 11/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/767,324

Applicant(s)

ROSSMANN ET AL.

Examiner

Gautam Sain

Art Unit

2176

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 August 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12-18 and 20-47 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12-18 and 20-47 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

- 1) This is a NonFinal rejection in response to RCE filed on 8/19/05.
- 2) Claims 1-11, 19 are cancelled. Claims 38-47 are new. Claims 12-18, 20-47 are rejected.

Continued Examination Under 37 CFR 1.114

- 3) A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 8/19/05 has been entered.

Claim Rejections - 35 USC § 103

- 4) The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

- 4-1) Claims 12, 13, 14, 15, 16, 17, 18, 20, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 33, 34, 35, 36, 37, 38-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over Etesse et al (USPGPUB 2004/0030781 A1, CIP of application No. 09/608,208, filed on Jun 30, 2000), in view of Angles et al (US 6385592, filed Jun 1999).

Regarding claim 12, Etesse teaches “receiving a web page ... data types” (ie., user accesses course web page with hyperlinks and buttons to various content areas; cover page drawing, item 120)(paragraph 36).

Etesse teaches “classifying ... elements” (ie., course listed according to category)(para 147).

Etesse teaches “determining ... data elements” (ie., course content – lists everything related to a course)(para 149, 150; fig 7, 9 item 900).

Etesse teaches “outputting ... operations” (ie., course content ... browser)(para 149; fig 7, item 900).

Etesse teaches “ extracting data ... data elements” (ie., list of courses once selected by user user will be automatically linked to a web page associated with that course, for which data is extracted from the database to display on the web page)(para 147; fig 6, items 600, 602, 604, 606, 608, 610).

Etesse teaches “receiving a selection ... operations” (ie., upon user selection of a course the web page the courses are listed according to a category, thus the browser receives the data for display)(para 147, fig 6, item 600...).

Etesse teaches “outputting ... related operations” (ie., browser lists the courses)(para 147, fig 6, item 600).

Etesse teaches “processing ... related operations” (ie., course list ... user will be automatically linked to a web page associated ...)(para 147).

Etesse does not teach the amended portions of the claim but Angles teaches these amended limitations (ie., the advertisement provider tracks the consumer's

response to the customized advertisement, which are customized based on the user's demographic profile and tracking of user responses to the advertisements, the user selects on advertisements that are based on the customization based on the previously selected ads. The Examiner interprets advertisement provider's customization in response to user's actions as equivalent to classification of data as being of a type; on a wireless data transmission on a network)(col 3, lines 3-9, lines 10-15, lines 45-50; col 9, line 41).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Ettesse to include displaying future advertisements customized based on a user profile/usage history record as taught by Angles, providing the benefit of an on-line advertising service which can custom tailor specific advertisements to particular consumers and track consumer response to the advertisement (Angles, col 2, lines 49-53).

Regarding claim 13, Ettesse teaches "processor, " " storage facility ..." (ie., processor; memory)(page 22, claim 13).

Ettesse teaches "receiving a web page ...data types" (ie., user accesses course web page with hyperlinks and buttons to various content areas; cover page drawing, item 120)(paragraph 36).

Ettesse teaches "classifying ... elements" (ie., course listed according to category)(para 147).

Ettesse teaches "determining ... data elements" (ie., course content – lists everything related to a course)(para 149, 150; fig 7, 9 item 900).

Ettesse teaches "outputting ... operations" (ie., course content ... browser)(para 149; fig 7, item 900).

Ettesse does not teach the amended portions of the claim but Angles teaches these amended limitations (ie., the advertisement provider tracks the consumer's response to the customized advertisement, which are customized based on the user's demographic profile and tracking of user responses to the advertisements, the user selects on advertisements that are based on the customization based on the previously selected ads. The Examiner interprets advertisement provider's customization in response to user's actions as equivalent to classification of data as being of a type; on a wireless data transmission on a network)(col 3, lines 3-9, lines 10-15, lines 45-50; col 9, line 41).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Ettesse to include displaying future advertisements customized based on a user profile/usage history record as taught by Angles, providing the benefit of an on-line advertising service which can custom tailor specific advertisements to particular consumers and track consumer response to the advertisement (Angles, col 2, lines 49-53).

Regarding claim 14, Ettesse teaches "user terminal ... determine ... data elements" (ie., course content – lists everything related to a course)(fig 1A, item 70 is a user terminal; para 149, 150; fig 7, 9 item 900; drawing on cover page, items 120, 130).

Ettesse teaches "outputting ... operations" (ie., course content ... browser)(para 149; fig 7, item 900).

Regarding claim 15, Etesse teaches "... processor ... via a network" (ie., Internet, LAN, WAN, ...)(para 31, figure 1A, item 62).

Regarding claim 16, Etesse teaches "... an Internet, ... LAN, ... WAN" (ie., Internet, LAN, WAN, ...)(para 31, figure 1A, item 62).

Regarding claim 17, Etesse teaches "... computer, website, and a server" (ie., computer, web browser, server)(para 31-34, figure 1A, item 100; drawing on cover page shows web browsers).

Regarding claims 18, 30, Etesse teaches "receiving a web page ... data types" (ie., user accesses course web page with hyperlinks and buttons to various content areas; cover page drawing, item 120)(paragraph 36).

Etesse teaches "classifying ... elements" (ie., course listed according to category)(para 147).

Etesse teaches "determining ... data elements" (ie., course content – lists everything related to a course)(para 149, 150; fig 7, 9 item 900).

Etesse teaches "outputting ... operations" (ie., course content ... browser)(para 149; fig 7, item 900).

Etesse does not teach the amended portions of the claim but Angles teaches these amended limitations (ie., the advertisement provider tracks the consumer's response to the customized advertisement, which are customized based on the user's demographic profile and tracking of user responses to the advertisements, the user selects on advertisements that are based on the customization based on the previously selected ads. The Examiner interprets advertisement provider's customization in

response to user's actions as equivalent to classification of data as being of a type; on a wireless data transmission on a network)(col 3, lines 3-9, lines 10-15, lines 45-50; col 9, line 41).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Etesse to include displaying future advertisements customized based on a user profile/usage history record as taught by Angles, providing the benefit of an on-line advertising service which can custom tailor specific advertisements to particular consumers and track consumer response to the advertisement (Angles, col 2, lines 49-53).

Regarding claims 20, 31, Etesse teaches "... promoting ... related operations" (ie., displays course information in a separate window)(para 149; fig 7, item 900).

Regarding claims 22, 33, 40, Etesse teaches "selecting ... preference" (ie., user can select from the course catalog according to their preference)(para 164; fig 6, 7, item 612; fig 14, item 1400).

Regarding claims 23, 34, 41, Etesse teaches "... user profile" (ie., 'change your information' – user can set preferences)(para 164, fig 14, item 1404).

Regarding claims 24, 35, 42, Etesse teaches "... service provider preference" (ie., preferences set by system administrator for a large group serviced...)(para 142).

Regarding claims 25, 36, 43, Etesse teaches "... financial ..." (enrollment fee waived in lieu of advertising while viewing)(para 9).

Regarding claim 26, 37, 44, Etesse teaches " extracting data ... data elements" (ie., list of courses once selected by user will be automatically linked to a web page

associated with that course, for which data is extracted from the database to display on the web page)(para 147; fig 6, items 600, 602, 604, 606, 608, 610).

Etesse teaches "receiving a selection ... operations" (ie., upon user selection of a course the web page the courses are listed according to a category, thus the browser receives the data for display)(para 147, fig 6, item 600...).

Etesse teaches "outputting ... related operations" (ie., browser lists the courses)(para 147, fig 6, item 600).

Etesse teaches "processing ... related operations" (ie., course list ... user will be automatically linked to a web page associated ...)(para 147).

Regarding claims 27, 45, 47, Etesse teaches "... user terminal" (ie., student user)(fig 1A, item 70).

Regarding claims 28, 46, Etesse teaches "... server" (ie., system server)(fig 1A, tem 100).

Regarding claims 29, Etesse teaches "Etesse teaches "... server and a user terminal" (ie., combination connected via Internet of user and server)(fig 1A, item 50-70, 100).

Regarding claim 38, Etesse teaches processing a web page (ie., user accesses course web page with hyperlinks and buttons to various content areas; cover page drawing, item 120)(paragraph 36).

Etesse does not teach automatically classifying ... data type, automatically determining ... classified, causing ... operation but Angles teaches these limitations (ie., the advertisement provider tracks the consumer's response to the customized

advertisement, which are customized based on the user's demographic profile and tracking of user responses to the advertisements, the user selects on advertisements that are based on the customization based on the previously selected ads. The Examiner interprets advertisement provider's customization in response to user's actions as equivalent to classification of data as being of a type; on a wireless data transmission on a network)(col 3, lines 3-9, lines 10-15, lines 45-50; col 9, line 41).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Ettesse to include displaying future advertisements customized based on a user profile/usage history record as taught by Angles, providing the benefit of an on-line advertising service which can custom tailor specific advertisements to particular consumers and track consumer response to the advertisement (Angles, col 2, lines 49-53).

Regarding Claim 39, Ettesse does not expressly teach, but Angles suggests causing ... to the user (ie., and advertisement insert relates to the customized advertisement based on the user profile)(col 13, lines 10-15).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Ettesse to include displaying advertisement insert based on a user profile/usage history record as taught by Angles, providing the benefit of an on-line advertising service which can custom tailor specific advertisements to particular consumers and track consumer response to the advertisement (Angles, col 2, lines 49-53).

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4-2) Claims 21, 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Etesse et al (as cited above), in view of QuickClick (1/5/01, as provided by applicant in the IDS).

Regarding claims 21, 32, Etesse does not teach specifically, but QuickClick specifically teaches “selecting ... operations” (ie., “alt-clicking” to select a word)(page labeled “How it Acts”).

Etesse does not specifically teach, but QuickClick specifically teaches “displaying the selected ... mode” (ie., window pops up with a list of categorized links)(page labeled “What it delivers”).

Etesse does not specifically teach, but QuickClick specifically teaches “displaying ... second mode” (ie., the unselected words remain in the background browser in another window)(page labeled “What it delivers” shows QuickClick displaying with “NBCi”).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Etesse to include a selection means that pops up in another window based on the selection and show the unselected words in the background as taught by QuickClick, providing the benefit of allowing users to pick the type of information they want and quickly getting to it (QuickClick, page labeled “How it acts”) and displaying user-specified locale information in frames (Etesse, Abstract).

Response to Arguments

Applicant's arguments with respect to claim 12-18, 20-47 have been considered but are moot in view of the new ground(s) of rejection. The thrust of Applicant's

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arguments deal with the amended portions of the claims. To deal with these amendments, the Examiner introduces the Angles reference (see above rejection for details).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gautam Sain whose telephone number is 571-272-4096. The examiner can normally be reached on M-F 9-5 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on 571-272-4136. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

GS

GS

William L. Bashore
WILLIAM BASHORE
PRIMARY EXAMINER

11/9/2005